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COMMISSION

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California Fish and Game Commission  
1416 Ninth Street  
Sacramento, CA 95814  
July 2, 2014

Commissioners,

On May 8, 2014, I contacted your offices via a written letter (copy of this letter enclosed) concerning my opposition to attempts to close Humboldt, Crescent City, and Tomales Bay Herring fisheries by adoption of a "zero quota option". Instead of working (salmon fishing), I attended your June commission meeting and used my "2" minutes to rebut claims by Oceania's Geoffrey Shester that these fisheries are in jeopardy due to lack of fishery data and the fact that there have been no landings in Humboldt and Crescent City. At the end of my comments the commission voted to adopt a "zero quota" option for these fisheries.

After the commission's action on this item, I met in the hallway with Mr. Shester and your department biologist Ryan Bartling. Mr. Shester voiced surprise that anyone in these permit areas were interested in fishing for herring (Oceania never inquired) and further stated that there was no data on herring stocks for Humboldt and Crescent City. That is not the case. Department Biologist Patrick Collier (recently retired) spent many nights on board my vessel collecting both gill net and variable mesh gill net samples for herring for nearly 20 seasons. Most of Mr. Collier's time was uncompensated as it was after regular business hours for the Eureka office. During the day Mr. Collier sampled and aged herring taken by both gear types and determined fish age by scale and otolith examination. He did the same for the Crescent City fishery via samples provided from my fish buying operation there. Mr. Collier performed spawning bio-mass assessments to determine population density both in Humboldt and Crescent City. His replacement, Mr. John Mello, performed the same surveys and sampling. I again volunteered use of my boat and time for obtaining random samples of herring for department study under the supervision of Mr. Mello and I also volunteered in Mr. Mello's spawn assessment surveys. All of this information exists in storage in the Eureka office. There has been, since its inception, an open working relationship between department biologists and fisherman in these permit areas all with the goal to not damage these fish populations.

During our conversation, Mr. Shester repeatedly referred to the "lack of current data" on herring stocks in these permit areas, for the justification of the zero quota option. I made the following offer to Mr. Shester and Mr. Bartling which I will repeat in writing.

I will volunteer my vessel, crew, gear, fuel and time for the second half of December and all of January to haul department biologists and Oceania staff to collect information on Pacific Herring in Humboldt Bay at no charge to either party in return for dropping the zero quota option for the Northern California Fisheries. If data collected justifies a fishery (market or no market) the quota stands. If data collected points to a smaller or no quota, so be it.

Ladies and Gentlemen, the ball is in your court. If Oceania is truly interested in real time data

concerning these fish populations then there should be no objections to this proposal.

It seems somewhat ironic that as I write this letter, Herring Permittees in Tomales, Humboldt and Crescent City Fisheries have just received the department's request for payment for the renewal of their Herring Fishing permits, even as the forces that be are considering closure of these fisheries. One might well ask --- Why would these fishermen renew permits? The simple answer is, "to go fishing when the market comes back".

Sincerely,

A handwritten signature in dark ink, appearing to be "Ken Bates", written over a horizontal line.

Ken Bates  
F/V Ironie, H1E  
PO Box 660  
Eureka, CA 95502  
707-498-1904

cc G. Shester, Oceana  
R. Bartling, California Fish and Wildlife  
Zeke Grader, P.C.F.F.A.

# *Cloudburst* FISHING COMPANY, INC.

California Fish and Game Commission  
1416 Ninth Street  
Suite 1320  
Sacramento, CA 95814  
May 8, 2014

Commissioners,

I am writing to protest the efforts of the environmental crisis industry in their attempts to lower the Pacific Herring quotas in Humboldt, Crescent City and Tomales Bay to zero – effectively closing these fisheries.

First some background, I am a full time career commercial fisherman, 64 years old, with an educational background in Marine Biology and Ichthyology. I began fishing herring in Humboldt Bay in 1975 (the first person to fish herring there since WWII), and continued until 2006 when our local freezer plant closed. During this time I also bought and processed the majority of fish landed in Humboldt Bay and Crescent City for export to Japan. I have also served on the Director's Herring Advisory Committee since its inception by Charlie Fullerton.

The Humboldt Bay and Crescent City Fisheries are the most conservative herring fisheries in the state. Fishermen here have continued to use 2 1/4 inch mesh gear by choice, in spite of the fact that further south the department has allowed smaller mesh gear to harvest younger herring. In our areas, two thirds of the fish in any given school pass right through 2 1/4 inch mesh nets. The average herring caught in this gear is 20 cm standard length- generally 5 year olds and up.

Fishermen in this area also voluntarily petitioned Fish and Game to close the month of December and a portion of January (in Crescent City) to herring fishing because of mixed fish stocks.

All that being said, all fisheries in the world are totally market driven. **No Market=No Fishery** In the case of Crescent City and Humboldt Bay, the closing of Eureka Ice and Cold Storage in 2007 effectively put an end to the Roe Herring fishing in these two bays. The closest freezer plant capable of freezing our fish is Bellingham, Washington . Because of the changing demographics in Japan and the resulting lowered demand for Herring Roe, the market will not support any additional expenses incurred to process and ship this product and still remain profitable.

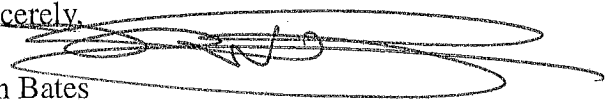
There are two immediate viable outlets for herring in our area. They are the market for “bait herring” and the human consumption market. Unfortunately in Humboldt and Crescent City it is illegal to take herring in these two bays for any purpose other than for the Roe Market. Because of this there has been no take of Pacific herring in these permitted fisheries. Without a viable market, no one will catch this fish.

On the bright side, the herring stocks in these areas have had an eight year rest. While quotas in these areas have always been very conservative, the lack of market and subsequent limited fishing effort cannot be a legitimate reason for closing these fisheries. Fishermen are typically blamed if they

fish and blamed again if they don't fish. If a lot of fish gets caught then the response is "they are raping the resource". If fishermen don't land the fish (for any number of reasons) then they say "look - no landings, there must not be any fish left!"

By attempting to close these bays, Oceana and the rest of that crew will be able to generate more P.R. to increase financial donations into their coffers only to continue to attack all the work that California Fish and Wildlife biologists have done to successfully manage these fisheries over the last 40 years! Please - continue to base your decisions on sound scientific fact and resist the public relation barrage spewing from pseudo—environmentalists.

Sincerely,



Ken Bates  
H-1-E  
F/V Ironic  
Eureka, CA 95502  
707-498-1904 (cell)